

Introduced by Senator Margett

February 21, 2008

An act to amend Sections 3099.2 and 3099.4 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as introduced, Margett. Electrician certification.

Existing law requires that persons performing work as electricians for specified contractors be certified pursuant to certification standards established by the Division of Apprenticeship Standards.

This bill would provide that a person who performs work as an electrician without proper certification would be subject to specified penalties imposed by the Chief of the Division of Apprenticeship Standards. The bill would further provide that a contractor that employs a person who performs work as an electrician without proper certification would be subject to specified penalties imposed by the Registrar of Contractors of the Contractors' State License Board.

Existing law provides that a person who is not properly certified as an electrician may nevertheless perform electrical work in order to acquire the necessary on-the-job experience for certification if specified conditions are met, including that the person works under the direct supervision of a certified electrician who is responsible for supervising not more than one uncertified person.

This bill would provide that an uncertified person may work under the direct supervision of a certified electrician who is responsible for supervising not more than 3 uncertified persons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3099.2 of the Labor Code is amended to read:

3099.2. (a) (1) Persons who perform work as electricians shall become certified pursuant to Section 3099 by the deadline specified in this subdivision. After the applicable deadline, uncertified persons may not perform electrical work for which certification is required.

(2) The deadline for certification as a general electrician or fire/life safety technician is January 1, 2006, except that persons who applied for certification prior to January 1, 2006, have until January 1, 2007, to pass the certification examination. The deadline for certification as a residential electrician is January 1, 2007, and the deadline for certification as a voice data video technician or a nonresidential lighting technician is January 1, 2008. The California Apprenticeship Council may extend the certification date for any of these three categories of electricians up to January 1, 2009, if the council concludes that the existing deadline will not provide persons sufficient time to obtain certification, enroll in an apprenticeship or training program, or register pursuant to Section 3099.4.

(3) For purposes of any continuing education or recertification requirement, individuals who become certified prior to the deadline for certification shall be treated as having become certified on the first anniversary of their certification date that falls after the certification deadline.

(b) Certification is required only for those persons who perform work as electricians for contractors licensed as class C-10 electrical contractors under the Contractors' State License Board Rules and Regulations. Certification is not required for persons performing work for contractors licensed as class C-7 low voltage systems or class C-45 electric sign contractors as long as the work performed is within the scope of the class C-7 or ~~class 45~~ class C-45 license, including incidental and supplemental work as defined in Section 7059 of the Business and Professions Code, and regardless of whether the same contractor is also licensed as a class C-10 contractor.

1 (c) The division shall establish separate certifications for general
2 electrician, fire/life safety technician, residential electrician, voice
3 data video technician, and nonresidential lighting technician.

4 (d) Notwithstanding subdivision (a), certification is not required
5 for registered apprentices performing electrical work as part of an
6 apprenticeship program approved under this chapter, a federal
7 Bureau of Apprenticeship Training program, or a state
8 apprenticeship program authorized by the federal Bureau of
9 Apprenticeship Training. An apprentice who is within one year of
10 completion of his or her term of apprenticeship shall be permitted
11 to take the certification examination and, upon passing the
12 examination, shall be certified immediately upon completion of
13 the term of apprenticeship.

14 (e) Notwithstanding subdivision (a), certification is not required
15 for any person employed pursuant to Section 3099.4.

16 (f) Notwithstanding subdivision (a), certification is not required
17 for a nonresidential lighting trainee (1) who is enrolled in an
18 on-the-job instructional training program approved by the Chief
19 of the Division of Apprenticeship Standards pursuant to Section
20 3090, and (2) who is under the onsite supervision of a
21 nonresidential lighting technician certified pursuant to Section
22 3099.

23 (g) Notwithstanding subdivision (a), the qualifying person for
24 a class C-10 electrical contractor license issued by the ~~Contractors~~
25 *Contractors'* State License Board need not also be certified
26 pursuant to Section 3099 to perform electrical work for that
27 licensed contractor or to supervise an uncertified person employed
28 by that licensed contractor pursuant to Section 3099.4.

29 (h) (1) *A person who is determined by the Chief of the Division*
30 *of Apprenticeship Standards to have performed work as an*
31 *electrician in violation of this section shall forfeit as a civil penalty*
32 *two hundred fifty dollars (\$250) if the violation is a first-time*
33 *violation. The penalty may be waived by the chief if the person*
34 *remedies his or her noncompliance within 30 days of the date of*
35 *the violation.*

36 (2) *A person who is determined by the Chief of the Division of*
37 *Apprenticeship Standards to have performed work as an electrician*
38 *in violation of this section shall forfeit as a civil penalty five*
39 *hundred dollars (\$500) if the violation is a second or subsequent*

1 violation. A penalty imposed pursuant to this paragraph shall not
2 be waived.

3 ~~(h)~~

4 (i) For the purposes of this section, “electricians” has the same
5 meaning as the definition set forth in Section 3099.

6 (j) *A class C-10 electrical contractor that is determined by the*
7 *Registrar of Contractors of the Contractors’ State License Board*
8 *to have employed one or more persons who have performed work*
9 *as electricians in violation of this section shall forfeit as a civil*
10 *penalty one thousand dollars (\$1,000) plus five hundred dollars*
11 *(\$500) for each employee in violation of this section. If the violation*
12 *is a second or subsequent violation, the contractor shall be subject*
13 *to suspension of its license until such time as it demonstrates to*
14 *the satisfaction of the registrar that it has remedied its*
15 *noncompliance with this section.*

16 SEC. 2. Section 3099.4 of the Labor Code is amended to read:

17 3099.4. (a) After the deadline for certification, an uncertified
18 person may perform electrical work for which certification is
19 required under Section 3099 in order to acquire the necessary
20 on-the-job experience for certification, if all of the following
21 requirements are met:

22 (1) The person is registered with the Division of Apprenticeship
23 Standards. A list of current registrants shall be maintained by the
24 division and made available to the public upon request.

25 (2) The person either has completed or is enrolled in an approved
26 curriculum of classroom instruction.

27 (3) The employer attests that the person shall be under the direct
28 supervision of an electrician certified pursuant to Section 3099
29 who is responsible for supervising no more than ~~one~~ *three*
30 ~~uncertified-person~~ *persons*. An employer who is found by the
31 division to have failed to provide adequate supervision may be
32 barred by the division from employing uncertified individuals
33 pursuant to this section in the future.

34 (b) For purposes of this section, an “approved curriculum of
35 classroom instruction” means a curriculum of classroom instruction
36 approved by the electrician certification curriculum committee
37 established pursuant to paragraph (6) of subdivision (a) of Section
38 3099 and provided under the jurisdiction of the State Department
39 of Education, the Board of Governors of the California Community

1 Colleges, or the Bureau for Private Postsecondary and Vocational
2 Education.

3 (c) The curriculum committee may grant approval to an
4 educational provider that presently offers only a partial curriculum
5 if the educational provider intends in the future to offer, or to
6 cooperate with other educational providers to offer, a complete
7 curriculum for the type of certification involved. The curriculum
8 committee may require an educational provider receiving approval
9 for a partial curriculum to periodically renew its approval with the
10 curriculum committee until a complete curriculum is offered and
11 approved. A partial curriculum means a combination of classes
12 that do not include all classroom educational components of the
13 complete curriculum for one of the categories of certification
14 established in accordance with subdivision (c) of Section 3099.2.

15 (d) An educational provider that receives approval for a partial
16 curriculum must disclose in all communications to students and
17 to the public that the educational provider has only received
18 approval for a partial curriculum and shall not make any
19 representations that the provider offers a complete approved
20 curriculum of classroom instruction as established by subparagraph
21 (A) of paragraph (6) of subdivision (a) of Section 3099.

22 (e) For purposes of this section, a person is “enrolled” in an
23 approved curriculum of classroom instruction if the person is
24 attending classes on a full-time or part-time basis toward the
25 completion of an approved curriculum.

26 (f) Registration under this section shall be renewed annually
27 and the registrant shall provide to the division certification of the
28 classwork completed and on-the-job experience acquired since the
29 prior registration.

30 (g) For purposes of verifying the information provided by a
31 person registered with the division, an educational provider of an
32 approved curriculum of classroom instruction shall, upon the
33 division’s request, provide the division with information regarding
34 the enrollment status and instruction completed by a person
35 registered. By registering with the division in accordance with this
36 section, a person consents to the release of this information.

37 (h) The division shall establish registration fees necessary to
38 implement this section, not to exceed twenty-five dollars (\$25) for
39 the initial registration. There shall be no fee for annual renewal of
40 registration. Fees collected are continuously appropriated in an

1 amount sufficient to administer this section and that amount may
2 be expended by the division for this purpose.

3 (i) The division shall issue regulations to implement this section.

4 (j) For purposes of Section 1773, persons employed pursuant
5 to this section do not constitute a separate craft, classification, or
6 type of worker.

7 (k) Notwithstanding any other provision of law, an uncertified
8 person who has completed an approved curriculum of classroom
9 instruction and is currently registered with the division may take
10 the certification examination. The person shall be certified upon
11 passing the examination and satisfactorily completing the requisite
12 number of on-the-job hours required for certification. A person
13 who passes the examination prior to completing the requisite hours
14 of on-the-job experience shall continue to comply with subdivision
15 (f).